

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

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DAVID RAY SNYDER,

Petitioner,

v.

SUPERINTENDENT KAUFFMAN,

Respondent.

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Civil Action No. 3:15-CV-1142

(Judge Kosik)

**ORDER**

AND NOW, THIS 3<sup>rd</sup> DAY OF DECEMBER, 2015, IT APPEARING TO THE COURT  
THAT:

[1] Petitioner, David Ray Snyder, filed the instant petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, on June 10, 2015 (Doc. 1);

[2] The action was referred to Magistrate Judge Martin C. Carlson;

[3] The Magistrate Judge issued a Report and Recommendation (Doc. 13), on November 4, 2015, recommending that the petition be denied, and that a certificate of appealability not be issued;

[4] Specifically, the Magistrate Judge found that the petition was barred by the one-year statute of limitations and that Petitioner was not entitled to equitable tolling;

[5] Petitioner has failed to file timely objections to the Magistrate Judge's Report and Recommendation;

AND, IT FURTHER APPEARING THAT:

[6] If no objections are filed to a Magistrate Judge's Report and Recommendation, the Plaintiff is not statutorily entitled to a *de novo* review of his claims. 28 U.S.C.A. § 636(b)(1)(C); Thomas v. Arn, 474 U.S. 140, 150-53 (1985). Nonetheless, the usual practice of the district court is to give "reasoned consideration" to a magistrate judge's report prior to adopting it. Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987); and

[7] We have considered the Magistrate Judge's report and we concur with his recommendation. We agree that Petitioner's June 10, 2015, petition is barred by the one-year statute of limitations, as the Magistrate Judge aptly calculated that the one-year period expired on or about April 29, 2015. Additionally, we also agree with the Magistrate Judge, that the Petitioner did not present a showing of due diligence on his part, or an extraordinary abandonment by his state counsel, to allow an equitable tolling of the one-year statute of limitations.

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

[1] The Report and Recommendation of Magistrate Judge Martin C. Carlson dated November 4, 2015 (Doc. 13) is **ADOPTED**;

[2] Petitioner's petition for writ of habeas corpus (Doc. 1) is **DENIED**;

[3] The Clerk of Court is directed to **CLOSE** this case and **FORWARD** a copy of this Order to the Magistrate Judge; and

[4] Based on the Court's conclusions herein, there is no basis for the issuance of a certificate of appealability.

s/Edwin M. Kosik  
Edwin M. Kosik  
United States District Judge